



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Approval of Special Allocation for Expenses Incurred for moving and storing PCE/TCE Litigation Files and Kronick, Moskovitz, Tiedemann & Girard Invoice for Services Rendered February 2004.

MEETING DATE: April 7, 2004

PREPARED BY: Interim City Attorney

RECOMMENDED ACTION: That the City Council approve a Special Allocation in the amount of \$117,941.58 to cover expenses incurred for moving and storing PCE/TCE Litigation Files (\$17,005), and Kronick, Moskovitz, Tiedemann & Girard invoice for services for February, 2004 (\$100,936.58).

BACKGROUND INFORMATION: As you will recall, with the termination of the City's outside Environmental Counsel, Envision Law Group, it was necessary to have the 200 Bankers Boxes of litigation files moved from Envisions Lafayette office to the City of Lodi.

The files were temporarily stored in the Document Depository (with approximately 1300 other boxes already located there) until such time as Envision terminated the Document Depository lease. The files were then relocated to the basement of the old Public Safety Building once the Police Department moved into their new quarters. Since time was of the essence to move, organize and review the files in order to meet ongoing deadlines, the Kronick, Moskovitz, Tiedemann & Girard firm assisted the City by locating a company to move the boxes of files, keeping them in careful order. The vast number of files encompasses at least six rooms.

The moving company, Cimarron of California performed the following work:

1)	1/29/04 - Picked up 200+ boxes from Envision Law Group, Lafayette and delivered to City of Lodi (this included five hours of down time as Envision would not allow entry).	\$ 2,889.00
2)	2/01/04 - Arranged boxes [in Depository hallway] in numerical order. (This work was done on a Sunday per Steve Schwabauer's request).	\$ 855.00
3)	2/09/04 - Relocate 1500 boxes plus contents and shelving from 210 W. Pine Street to 210 Elm Street, Lodi.	<u>\$ 11,532.00</u>
TOTAL		\$ 15,276.00

APPROVED:

H. Dixon Flynn, City Manager

Additionally, during the time between the lapse of the Depository lease and moving of the files to the Public Safety Building, the City is being charged \$133.00 rental fee per day by the owner, Mr. Fred Heagarty.

Document Depository Rental fee covering time period January 30, 2004 through February 11, 2004, representing 13 days. \$ 1,729.00

Invoice for Services Rendered for February, 2004 by Kronick, Moskovitz, Tiedemann & Girard. \$100,936.58

FUNDING: Water Fund 183453.7323

Vicky McAthie
Vicky McAthie, Finance Director

D. Stephen Schwabauer
D. Stephen Schwabauer
Interim City Attorney

DSS/pn

Attachments



3132 Dwight Road, Suite 400
Elk Grove, CA 95758
(916) 391-4480
(916) 391-8414 FAX
Contractor's Lic. # 819181 (D34)

BILL TO:

KRONICK MOSKOVITZ
ATTN: ACCTS PAYABLE
400 CAPITOL MALL, 27 FLR
SACRAMENTO, CA 95814-4417



MilliCare
Advanced Commercial Carpet,
Panel and Upholstery Care

DATE: 01/30/04

INVOICE #: 46683

CUSTOMER #: PER ELAINE

PROJECT #: 38301

SERVICE FOR:

ENVISION LAW GROUP
DESCO PLAZA II
3717 MOUNT DIABLE BLVD. #100
LAFAYETTE, CA 94549

2% 10 / Net 15

Due on or before 02/14/04

DATE	DESCRIPTION	AMOUNT
1/29/04	PICKUP & DELIVERY AS PER ATTACHED	\$ 2889.00

87716 Bill to Lodi
11233.1
per Lacion
Henderson

TAX	\$ 0.00
TOTAL REMITTANCE DUE	\$ 2889.00

WE NOW ACCEPT MASTERCARD, VISA, AMERICAN EXPRESS, AND DISCOVER.

THANK YOU FOR USING CIMARRON!
WE APPRECIATE YOUR BUSINESS!

CIMARRON OF CALIFORNIA
 432 ROVANA CIRCLE, #1
 SACRAMENTO, CA 95828
 (916) 387-8093 PHONE
 (916) 387-8163 FAX
 A # 109139

Project #: 38301
 BT: TM
 J.S.T.: 021400 C10300
 STOP: 1 TIME: 10:00
 S/W: Elaine
 RACK LOC:

CUSTOMER: KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
 400 CAPITOL MALL, 27TH FL.
 SACRAMENTO, CA 95814-4417

CONSIGNEE: ENVISION LAW GROUP
 DESCO PLAZA II
 3717 MOUNT DIABLO BLVD, STE. #100
 LAFAYETTE, CA 94549

CONTACT: ELAINE SAVAGE
 PHONE #: (916) 321-4528

CONTACT: LACIAN HENDERSON
 PHONE #: (925) 962-6900 - CELL (916) 300-5685

DATE: 1/29/04 CUST. P.O.#: VERBAL ELAINE

XWO:

ORD	#REC	#B/O	PRS/PRF	Date of Service	ITEM DESCRIPTION
1	1	0		1/29/04	Pick up (100 - 200) Boxes from above and deliver to address below.
1	1	0			210 West Pine, Lodi, Peggy Nicolini. (209) 333-6701. Call 1/2 hr prior to arrival.

Unable to start until 3:00 pm

Job Complete: _____ Incomplete - See Punchlist: _____
 Cust. Init. Init.

Comments: Please call Lacion Henderson 1/2 hr prior to arrival. Cell # (916) 300-5685.

Wheels collection site 37 wheels & cardboard tubes in load.

Initiation of work constitutes acceptance of Cimarron's pricing and all of their normal terms and conditions.

SERVICE AGENT George Havens CUSTOMER SIGN _____
 DATE: 1/29/04 CUSTOMER DATE 1-29-04

We now accept MasterCard, VISA, American Express, and Discover.

OFFICE USE

D _____ P _____ W _____ I _____ S _____ SP _____ WC _____ IR _____ PRF# _____

Thank you for using Cimarron - We appreciate your business!



3132 Dwight Road, Suite 400
Elk Grove, CA 95758
(916) 391-4480
(916) 391-8414 FAX
Contractor's Lic. # 819181 (D34)

BILL TO:

KRONICK MOSKOVITZ
ATTN: ACCTS PAYABLE
400 CAPITOL MALL, 27 FLR
SACRAMENTO, CA 95814-4417



MilliCare
Advanced Commercial Carpet,
Panel and Upholstery Care

DATE: 02/10/04

INVOICE #: 46783

CUSTOMER #: PER ELAINE

PROJECT #: 38331

SERVICE FOR:

210 W. PINE
LODI, CA

Net 15

Due on or before 02/25/04

DATE	DESCRIPTION	AMOUNT
2/1/04	SERVICE AS PER ATTACHED	\$ 855.00

877852

Bill to Lodi
H233.1
[Signature]

20

TAX	\$ 0.00
TOTAL REMITTANCE DUE	\$ 855.00

WE NOW ACCEPT MASTERCARD, VISA, AMERICAN EXPRESS, AND DISCOVER.

THANK YOU FOR USING CIMARRON!
WE APPRECIATE YOUR BUSINESS!

CIMARRON OF CALIFORNIA
 3432 BOVANA CIRCLE, #1
 SACRAMENTO, CA 95828
 (916) 387-8093 PHONE
 (916) 387-8163 FAX
 CA # 109139

Project #: 38331
 BT: TM
 J.S.T.: 02-03-05
 STOP: 1 TIME: 1:00
 S/W: Jennifer
 RACK LOC:

CUSTOMER: KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
 400 CAPITOL MALL, 27TH FL.
 SACRAMENTO, CA 95814-4417

CONSIGNEE:
 210 W. PINE
 LODI, CA

CONTACT: ELAINE SAVAGE
 PHONE #: (916) 321-4528
 DATE: 2/1/04 CUST. P.O.#: VERBAL ELAINE

CONTACT: JENNIFER
 PHONE #: (916) 402-1297
 XWO:

#ORD	#REC	#B/O	PRS/PRF	Date of Service	ITEM DESCRIPTION
1	1	2		2/1/04	Arrange boxes in numerical order per Jennifer's direction.
1	1	0			Pick up (27) empty tubs and (27) wheelers left on Thurs.

Job Complete: ☒Incomplete - See Punchlist: ☐

Cust. Init.

Init.

Comments: Great Job!

Initiation of work constitutes acceptance of Cimarron's pricing and all of their normal terms and conditions.

SERVICE AGENT Dave Reyes

CUSTOMER SIGN

DATE: 2/1/04

CUSTOMER DATE

We now accept MasterCard, VISA, American Express, and Discover.

OFFICE USE

D _____ P ☒ W _____ I _____ S ☒ SP _____ WC _____ IR _____ PRF# _____

Thank you for using Cimarron - We appreciate your business!



3132 Dwight Road, Suite 400
Elk Grove, CA 95758
(916) 391-4480
(916) 391-8414 FAX
Contractor's Lic. # 819181 (D34)

FEB 23 2004
CITY ATTORNEY'S OFFICE



MilliCare
Advanced Commercial Carpet,
Panel and Upholstery Care

DATE: 02/13/04
INVOICE #: 46817
CUSTOMER #: PER LACIAN
PROJECT #: 38396

BILL TO:
KRONICK MOSKOVITZ
ATTN: ACCTS PAYABLE
400 CAPITOL MALL, 27 FLR
SACRAMENTO, CA 95814-4417

SERVICE FOR:
LODI STORAGE
210 W. PINE STREET
LODI, CA

2% 10 / Net 15

Due on or before 02/28/04

DATE	DESCRIPTION	AMOUNT
2/11/04	SERVICE AS PER ATTACHED	\$ 11532.00

87909

OK for Payment	
ACCOUNT	
DATE	AUTHORIZED
2/23/04	

TAX	\$ 0.00
TOTAL REMITTANCE DUE	\$ 11532.00

WE NOW ACCEPT MASTERCARD, VISA, AMERICAN EXPRESS, AND DISCOVER.

THANK YOU FOR USING CIMARRON!
WE APPRECIATE YOUR BUSINESS!

CIMARRON OF CALIFORNIA
8432 ROVANA CIRCLE, #1
SACRAMENTO, CA 95828
(916) 387-8093 PHONE
(916) 387-8163 FAX
CA # 109139

Project #: 38396
BT: TM
J.S.T.:
STOP: 1 TIME: 7:00
S/W: Lacion
RACK LOC:

CUSTOMER: KRONICK, MOSKOVITZ, NEDDEMANN & GIRARD
400 CAPITOL MALL, 27TH FL.
SACRAMENTO, CA 95814-4417

CONSIGNEE: LODI STORGE
210 W. PINE ST. (Document Depository)
LODI, CA

CONTACT: LACIAN HENDERSON
PHONE #:

CONTACT: LACIAN
PHONE #:

DATE: 2/9/04 CUST P.O.#: VERBAL LACIAN

XWO:

#ORD	#REC	#B/O	PRS/ PRF	Date of Service	ITEM DESCRIPTION
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1	1	0		2/9/04	Relocate contents and shelving to 210 Elm St Lodi (Old Police Bldg)
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Job Complete: _____ Incomplete - See Punchlist: _____
Cust. Init. Init.

Comments:

Initiation of work constitutes acceptance of Cimarron's pricing and all of their normal terms and conditions.

SERVICE AGENT Henry Ochoa

CUSTOMER SIGN

DATE: 2/9/04

CUSTOMER DATE

We now accept MasterCard, VISA, American Express, and Discover.

OFFICE USE

D ☒ P ☒ W ☐ I ☐ S ☒ SP ☐ WC ☐ IR ☐ PRF#

Thank you for using Cimarron - We appreciate your business!

hmtl - CodeC11532mon 2/9 - Henry -

$$8 \times 81 = 648$$

$$25 \times 114 = 285$$

$$(2) \text{ m} - 16 \times 52 = 832$$

$$2 \times 78 = 156$$

2,337

$$(1) \text{ m} - 8 \times 52 = 416$$

Tue 2/10 - Henry -

$$8 \times 81 = 648$$

$$4 \times 114 = 456$$

$$-75 \times 147 = 11025$$

$$(3) \text{ m} - 24 \times 52 = 1,248$$

$$10.5 \times 78 = 819$$

4,295.25

$$(1) \text{ m} - 8 \times 52 = 416$$

$$1 \times 78 = 78$$

$$(1) \text{ m} - 3.5 \times 52 = 182$$

$$(1) \text{ m} - 6.5 \times 52 = 338$$

Wed 3/11

$$\begin{aligned}
 \text{Weng} &= 8 \times \$81 = \$648 \\
 &4 \times \$104 = \$416 \\
 &- 75 \times \$147 = -\$11025
 \end{aligned}$$

\$4,899.25

$$\begin{aligned}
 (5) \text{ min} &= 40 \times \$52 = \$2,080 \\
 &16.25 \times \$78 = \$1,267.50
 \end{aligned}$$

$$(1) \text{ min} = 6.5 \times \$52 = \$338$$

$$\begin{aligned}
 \text{Total} &= \$2,337 \quad \checkmark \\
 &4,295.25 \quad \checkmark \\
 &4,899.25 \quad \checkmark
 \end{aligned}$$

\$11,532.00

085

MULLEN, SULLIVAN & NEWTON, LLP

THOMAS J. NEWTON
CRAIG RASMUSSEN
STEPHEN C. SNIDER
JAMES V. DEMERA III
BENJAMIN C. McDONALD

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1111 WEST TOKAY STREET
P. O. BOX 560
LODI, CALIFORNIA 95241-0560
(209) 334-5144
FAX (209) 333-1034

OF COUNSEL
ROBERT H. MULLEN
C. M. "DUB" SULLIVAN

February 3, 2004

Stephen D. Schwabauer
City Attorney
221 W. Pine St.
Lodi, CA. 95240

(Sent Via Fax (209) 333-6807)

RE: Heagarty vs. Envision

Dear Steve:

After our discussions regarding the City's occupancy of the 210 West Pine Street premises, I had a discussion with my client and found out that I misinterpreted something that he told me.

Fred indicates to me that he never meant to indicate that the City could have free use of the property. He would like to be compensated at the rate of \$4,000.00 per month for each day of the City's occupancy. This translates into roughly \$133.00 per day of actual occupancy. If this is agreeable, please let me know and I will prepare a very short Memorandum of Understanding to protect both of our interests.

If you have any questions, please call.

Very truly yours,

MULLEN, SULLIVAN & NEWTON, LLP

by

THOMAS J. NEWTON

TJN:sw
cc: Dennis Callahan
Fred Heagarty

Copy given
to Dennis
2/4/04
P